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7 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF WASHINGTON

8 MICHAEL SCOTT BRUMBACK,
9 an individual, et al.,

10 Plaintiffs,

11 v.

12 ROBERT W. FERGUSON, in his
official capacity as Washington
13 State Attorney General, et al.,

14 Defendants.

NO. 1:22-cv-03093-MKD

AMENDED NOTICE
OF REMOVAL

15 TO: MICHAEL SCOTT BRUMBACK and GIMME GUNS, LLC.,
Plaintiffs;

16 AND TO: SIMON PETER SERRANO, Plaintiffs' Attorney;

17 AND TO: CLERK OF THE ABOVE-ENTITLED COURT.

18 Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, without waiving any
19 procedural or substantive defenses except as provided by operation of law,
20 Defendants Robert W. Ferguson, in his official capacity as Washington State
21 Attorney General, and John R. Batiste, in his official capacity as Chief of the
22

1 Washington State Patrol, hereby submit this amended notice of removal to reflect
 2 the consent of all named Defendants, all of whom have now appeared in the case.
 3 In support of this removal, Defendants Ferguson and Batiste provide the
 4 following short, plain statement of the grounds for removal:

5 **A. Plaintiffs' Claims Arise Under the Constitution of the United States**

6 1. Plaintiffs' complaint raises a federal question, namely whether a
 7 Washington State statute conflicts with the Second Amendment of the United
 8 States Constitution. Removal is therefore appropriate under 28 U.S.C. §§ 1331
 9 and 1441(a).

10 **B. Defendants Robert W. Ferguson and John R. Batiste Have Satisfied**
 11 **the Procedural Requirements for Removal**

12 1. This notice is timely. Plaintiffs filed their Complaint on
 13 July 14, 2022, and Defendants Ferguson and Batiste filed both the original Notice
 14 of Removal and this Amended Notice within 30 days. *See* 28 U.S.C. § 1446(b)(1)
 15 ("The notice of removal of a civil action or proceeding shall be filed within 30
 16 days after the receipt by the defendant, through service or otherwise, of a copy of
 17 the initial pleading setting forth the claim for relief upon which such action or
 18 proceeding is based . . .").

19 2. As of the filing of the original Notice of Removal on July 21, 2022,
 20 Defendants Ferguson and Batiste were not aware that Plaintiffs had served any
 21 other Defendants. Counsel for Defendants Udell and Brusich subsequently filed a
 22 notice of appearance on July 26, 2022, and notified the undersigned that

1 Defendants Udell and Brusic consent to removal. Accordingly, “all defendants
2 who have been properly joined and served . . . join in or consent to . . . the
3 removal of the action.” 28 U.S.C. § 1446(b)(2)(A).

4 3. This Court has personal jurisdiction over all Plaintiffs and
5 Defendants.

6 4. In compliance with 28 U.S.C. § 1446, Defendants Ferguson and
7 Batiste attached as an appendix to the original Notice of Removal a true and
8 complete copy of all process, pleadings, and orders served upon Defendants
9 Ferguson and Batiste in Yakima County Superior Court Cause No. 22-2-01446-
10 39. Moreover, a copy of the original Notice of Removal, without the attached
11 appendix, was filed with the Yakima County Superior Court and served on all
12 adverse parties. A copy of this Amended Notice of Removal will also be filed
13 with the Yakima County Superior Court and served on all adverse parties.

14 DATED this 27th day of July 2022.

15 ROBERT W. FERGUSON
16 Attorney General

17 s/ R. July Simpson

18 R. JULY SIMPSON, WSBA #45869
19 WILLIAM MCGINTY, WSBA #41868
20 ANDREW HUGHES, WSBA #49515
21 BRIAN HUNT ROWE, WSBA #56817
22 Assistant Attorneys General
JEFFREY T. EVEN, WSBA #20367
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KRISTIN BENESKI, WSBA #45478
First Assistant Attorney General
Complex Litigation Division

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Robert W. Ferguson and John R. Batiste

PROOF OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 27th day of July 2022 at Tacoma, Washington.

s/ R. July Simpson

R. JULY SIMPSON, WSBA #45869
Assistant Attorney General